

Remarks

This amendment responds to the official action of April 14, 2009 and is accompanied by a petition for one month extension and the necessary official fee.

Objection was made to applicant's information disclosure statement filed 5/5/2006 for failure to enclose the International Search Report of 9/7/2004. Applicant did submit the search report in question. Copies in English and in German can be found in the PTO image file wrapper system. Both the German and the English language versions are labeled with two dates, namely "30 August 2004" and "07/09/2004," which are identified as the dates of compilation of the search report and mailing of the search report, respectively. This is the search report identified by applicant's information disclosure statement. Appended to these remarks are copies of the German and English search reports as exhibits, and also the DE search report in a related case that was also submitted.

Applicant requests that the objection to the information disclosure report be withdrawn and that the record be made to show that the document in question was submitted with the information disclosure statement as required.

An objection was made to the drawings for inclusion of extraneous lead lines and for missing reference numbers 9 and 15, found in the written description. As mentioned at page 8, line 22, circumferential rim 9 in Fig. 1 locks extension part 8 into socket 6. As mentioned at page 9, line 2, a curved inner wall 15 is at the upper region of top part 14a in Fig. 2. Applicant submits substitute drawings that include these two reference numbers. No new matter is presented because the reference numbers routinely illustrate subject matter found in the description as filed. In Figs. 3, 6, 7 and 9, extraneous lead lines as well as extraneous partially obscured labels are removed. Annotated copies appended to these Remarks as exhibits show the changes made. Applicant requests reconsideration and withdrawal of the objection to the drawings.

Claims 1-20 were rejected under 35 U.S.C. §102(b) as anticipated by EP 486000 – Okayama. Applicant has amended claim 1 to more particularly and distinctly define the subject matter of the invention and better to distinguish over the prior art.

Claim 1 as a whole is novel over Okayama and there is no basis to assert that the claimed invention would have been obvious. The remaining claims depend directly or indirectly from claim 1 and also recite additional limitations. Applicant requests reconsideration and allowance of all the pending claims.

According to the invention as defined in claim 1, a holding device for a shower hose has a feed-through element through which the shower hose is led, a retaining mechanism for securing the shower hose against movement and a detachable coupling by which the shower hose is coupled and decoupled with the retaining mechanism. Claim 1 has been amended to positively recite the nature of such coupling, decoupling and retention in accordance with the disclosure as filed. In particular, the retaining mechanism is configured to allow the shower hose to be pulled out, yet prevents the shower hose from being pulled back. The coupling and decoupling are actuated manually.

In the exemplary embodiment described in the specification, a clamping sleeve and associated mechanism cooperate to switch back and forth between states each time that the hose is pulled and released. In one state, the hose is grasped and is held by the clamping sleeve. In the alternate state, the hose is not grasped by the clamping sleeve and is relatively free to pass through the holding device. The clamping sleeve and the mechanism for switching between states are detailed in the disclosure as filed, including an exemplary embodiment in which a ratchet-like cam adjusts the rotational position of the clamping sleeve to engage or not to engage resilient tongue 24 in the respective clamped and released states.

The cited prior art, EP 486000 – Okayama, does not disclose or suggest a device that is switched by manual action between states of holding or releasing engagement of a hose. The structure, objects and operation of Okayama's hose mounting are unlike those of applicant's invention. The differences are recited in applicant's claims as amended.

In Okayama, a drain ring 8 forms a seal in the holder of a sink faucet fitting. The seal resides in the part of the holder through which a hose 5 is led and is coupled to a handgrip 2 for manually directing a spray. The handgrip 2 can reside in the holder or

can be pulled out. When the handgrip is in the holder, the seal engages resiliently around a cylindrical fitting at the end of the hose. When the grip is pulled out, the seal engages around the hose.

The drain ring is shown exploded in Fig. 6, assembled in Fig. 4, and in its operative state in Figs. 1 and 2. Several arc segments form an annular seal and a circumferential spring 10 pulls the arc segments together and radially in against the cylindrical end fitting and/or against the hose, which can be a corrugated hose. The function of the ring element is to occupy and seal the space between the outside of the hose and the inside of the tube through which the hose is guided. The guiding tube has openings 1b, 1c, through which water can drain out. Stray water is prevented by the seal from leaking backwards into the fitting.

In bearing against the hose, the Okayama drain seal must produce some friction that resists movement when the handgrip is pulled out and when the hose is moved through the seal. There may be a variation in resistance as the corrugations of the hose (termed "bellows" in the reference) are moved through the seal. But any friction or resistance is identically the same in both the insertion and retraction directions, which can be seen from the symmetrical nature of the ring element shown. There is no disclosure or suggestion of alternate states respectively stopping movement and allowing movement, or any mechanism that is switchable by a manual action between states. There is no disclosure of a device that is in any way similar to applicant's arrangement wherein pulling upon and releasing the hose alternately switches between clamping and release states. It is this aspect that enables the user to run out (or run in) applicant's hose to a desired length without resistance, to clamp the hose at that point, and later to release the clamping by again pulling and releasing the hose. There is no similar function disclosed in Okayama and not structural configuration that is capable of such action.

The claims as amended particularly and distinctly define differences over the prior art, such that the rejection on grounds of anticipation has been overcome. There is no basis of record to consider the claimed invention obvious, and on the contrary, the prior art fails to remotely resemble applicant's configuration or seek to serve a similar

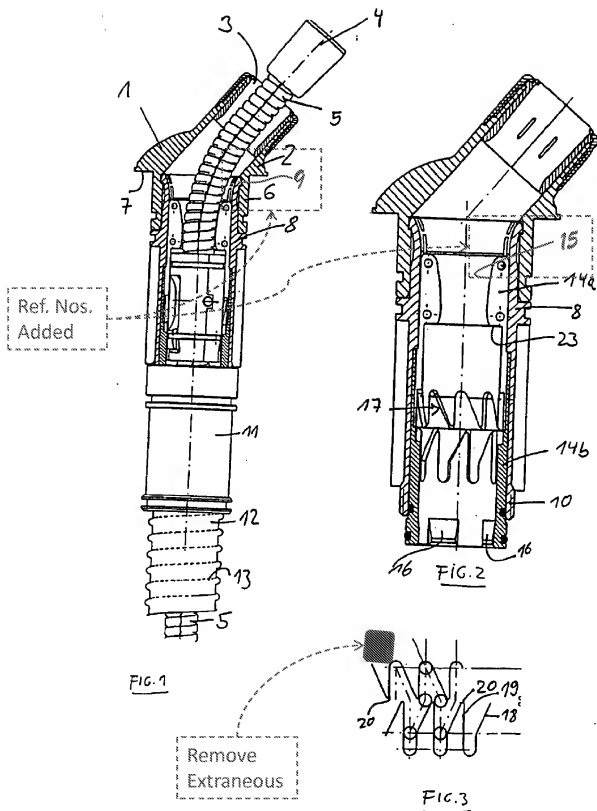
function. Under the circumstances, the differences are such that the subject matter claimed as a whole is not shown to have been known or obvious. The application is in condition for allowance. Applicant requests reconsideration and allowance of the amended claims.

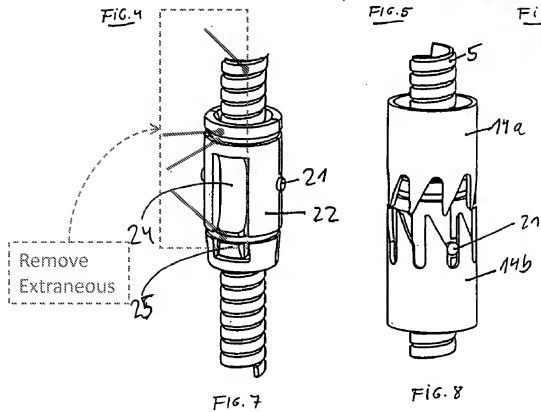
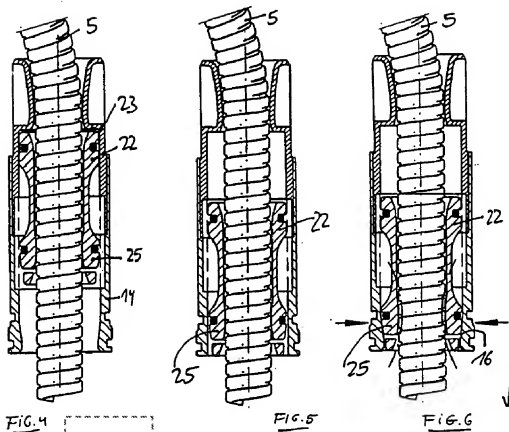
Respectfully submitted,

Date: August 14, 2009

/Stephan Gribok/
Stephan P. Gribok, Reg. No. 29,643
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196
tel. 215-979-1283
fax. 215-979-1020
spgribok@duanemorris.com

Docket No.: D4700-00419
P 43023 WO/US





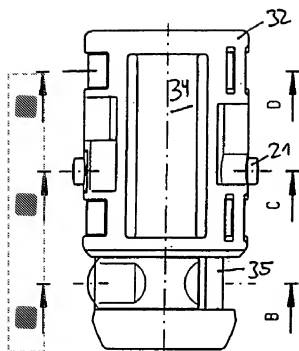


FIG. 9

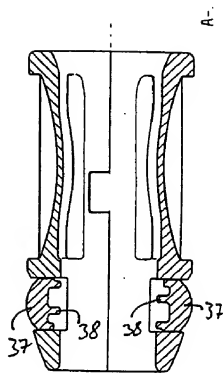


FIG. 10

Remove
Extraneous

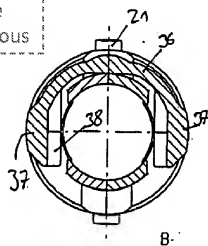


FIG. 11

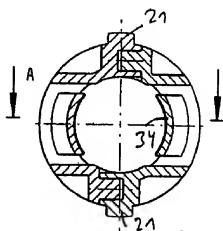


FIG. 12

